

AMENDED IN ASSEMBLY APRIL 21, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 672

Introduced by Assembly Member Klehs

February 17, 2005

An act to ~~amend Section 115825 of~~ *add Sections 115827 and 115828* to the Health and Safety Code, relating to reservoirs.

LEGISLATIVE COUNSEL'S DIGEST

AB 672, as amended, Klehs. Reservoirs with water intended for domestic use: recreational ~~use~~ *use and environmental management activities*.

Existing law prohibits the recreational use of reservoirs where water is stored for domestic use to include recreation in which there is bodily contact with the water by a participant. The law exempts certain reservoirs from this prohibition and sets forth certain conditions and restrictions to ensure water purity.

This bill would, *with certain exceptions*, exclude certain recreational activity from the prohibition against bodily contact with the water in a reservoir, *owned by a governmental entity*, containing water intended for domestic use, including, but not limited to, *shoreline* fishing and ~~canoeing, and hiking~~ *trail access* in areas adjacent to the reservoir *and the use of nonmotorized boats*.

Existing law requires a water supply reservoir of a public agency to be open for recreational use, subject to the regulation of the State Department of Health Services.

This bill would require a public agency that owns a water supply reservoir with a capacity of 2,500 acre-feet or more, commencing January 1, 2008, and every 10 years thereafter, to adopt a watershed or recreation master plan or equivalent resources planning document,

setting forth the recreational and environmental management activities permitted to occur on or adjacent to the reservoir and surrounding watershed lands. The bill would set forth the required contents of the watershed or recreation master plan or equivalent resources planning document. This bill would also impose various requirements on public agencies in connection with the creation of the public agency's plan, including requiring public hearings to be held prior to the adoption of the plan, and requiring the appointment of a community advisory committee to advise the public agency regarding the plan's provisions. This bill would extend the date for initial compliance with the bill to January 1, 2011, for a public agency that has a watershed or recreation master plan or equivalent resources planning document adopted after January 1, 1996.

By increasing the duties of local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 115827 is added to the Health and
- 2 Safety Code, to read:
- 3 115827. (a) Notwithstanding any provision of law to the
- 4 contrary, for a reservoir owned by a governmental entity, this
- 5 article does not prohibit either of the following recreational
- 6 activities:
- 7 (1) Trail access in the areas adjacent to the reservoir.
- 8 (2) Shoreline fishing, or the use of nonmotorized boats.
- 9 (b) Subdivision (a) does not apply to any of the following:
- 10 (1) A reservoir that is owned and operated by a local flood
- 11 control agency.
- 12 (2) A reservoir that is an online reservoir.
- 13 (3) A reservoir that is an unfiltered water reservoir.
- 14 (4) A reservoir that has a capacity of 2,500 acre-feet or less.

1 (5) *A reservoir that operates as a forebay for pumping*
2 *facilities or treatment plants causing substantial elevation*
3 *fluctuations.*

4 (6) *A reservoir that is owned and operated by a private*
5 *company rather than a public agency.*

6 (c) *This section does not require the governmental entity that*
7 *owns the reservoir to install boat ramps or docks.*

8 SEC. 2. *Section 115828 is added to the Welfare and*
9 *Institutions Code, to read:*

10 115828. (a) *Except as provided in subdivision (g), by*
11 *January 1, 2008, and every 10 years thereafter, a public agency*
12 *that owns a water supply reservoir with a capacity of 2,500*
13 *acre-feet or more, shall adopt a watershed or recreation master*
14 *plan or equivalent resources planning document that sets forth*
15 *the full range of recreational and environmental management*
16 *activities that will be permitted to occur on or adjacent to the*
17 *reservoir and surrounding watershed lands that are owned by*
18 *that public agency.*

19 (b) *Every watershed or recreation master plan or equivalent*
20 *resources planning document shall, at a minimum, do all of the*
21 *following:*

22 (1) *Identify the terms and conditions under which trail access,*
23 *fishing, boating, as well as the other recreational activities, will*
24 *be allowed within the watershed.*

25 (2) *Balance the recreational activities and uses and the need*
26 *to protect drinking water quality and public health and safety*
27 *within the watershed.*

28 (3) *Identify the appropriate land management practices that*
29 *should be carried out to protect and maintain the environmental*
30 *values of the watershed.*

31 (4) *Ensure water quality.*

32 (5) *Ensure the long-term protection of the natural, cultural,*
33 *and historic resources of the watershed.*

34 (6) *Respect the natural, cultural, and historic resources of the*
35 *watershed on a long-term basis.*

36 (7) *Exercise financial responsibility and minimize the costs to*
37 *ratepayers.*

38 (8) *Only limit recreational activity set forth in subdivision (a)*
39 *after making a finding that the activity would pose a threat to the*
40 *health and safety of the public or to the surrounding watershed.*

1 (c) In creating its plan, a public agency may require payment
2 of an access fee.

3 (d) In creating its plan, a public agency may require that the
4 reservoir and adjacent areas be closed to recreational access for
5 a period of three months per calendar year to protect the
6 environment from intrusions.

7 (e) A public agency subject to this section shall conduct
8 extensive public hearings to receive public input prior to
9 adopting its watershed or recreation master plan or equivalent
10 resources planning document.

11 (f) A public agency subject to this section shall appoint a
12 community advisory committee, consisting of a diverse range of
13 stakeholder interests, to advise it regarding the contents of its
14 watershed or recreation master plan or equivalent resources
15 planning document. The community advisory committee shall
16 make its recommendations to the board of directors of the public
17 agency regarding the provisions of the draft watershed or
18 recreation master plan or equivalent resources planning
19 document no later than December 31, 2006.

20 (g) For a public agency that has a watershed master plan or
21 equivalent resources planning document that was adopted after
22 January 1, 1996, a new watershed or recreation master plan or
23 equivalent resources planning document shall not be required
24 until December 31, 2011, and a subsequent watershed or
25 recreation master plan or equivalent resources planning
26 document shall be adopted every 10 years thereafter.

27 SEC. 3. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 a local agency or school district has the authority to levy service
30 charges, fees, or assessments sufficient to pay for the program or
31 level of service mandated by this act, within the meaning of
32 Section 17556 of the Government Code.

33 ~~SECTION 1. Section 115825 of the Health and Safety Code~~
34 ~~is amended to read:~~

35 ~~115825. (a) It is hereby declared to be the policy of this state~~
36 ~~that multiple use should be made of all public water within the~~
37 ~~state, to the extent that multiple use is consistent with public~~
38 ~~health and public safety.~~

39 ~~(b) Except as provided in this article, recreational uses shall~~
40 ~~not, with respect to a reservoir in which water is stored for~~

1 ~~domestic use, include recreation in which there is bodily contact~~
2 ~~with the water by any participant.~~

3 ~~(c) Notwithstanding any provision to the contrary, this article~~
4 ~~does not prohibit the following recreational uses:~~

5 ~~(1) Hiking in the areas adjacent to the reservoir.~~

6 ~~(2) Bike riding in the areas adjacent to the reservoir.~~

7 ~~(d) Notwithstanding any provision to the contrary, this article~~
8 ~~does not prohibit any of the following recreational activities, nor~~
9 ~~does it prohibit bodily contact with the water that is reasonably~~
10 ~~necessary for any of the following recreational activities:~~

11 ~~(1) Fishing.~~

12 ~~(2) Kayaking.~~

13 ~~(3) Canoeing.~~